

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

LEADPOINT INC., & RELIANCE FIRST
CAPITAL LLC

Defendants.

CASE NO. 3:21-cv-05372-BHS

DECLARATION OF
NATHEN BARTON

PLEASE TAKE NOTICE that Plaintiff Nathen Barton asks the Court to modify the Order in Dkt. 52 to remove the language that I “manufactured” a claim for statutory TCPA damages.

The defendants never alleged that I caused them to send the “Hi Wendy” text message to me. And I did nothing to cause the Defendants to send the “Hi Wendy” text message to me.

I believe honesty is the best policy, and I told the truth about what happened in this case. I may be wrong, but I told the truth that I did not know who sent me the “Hi Wendy” text message and when I clicked on the link, I could not tell who sent the “Hi Wendy” text message to me.

I was truthful in saying that I asked the Defendants to stop calling, and I sent an email to Leadpoint asking them to stop calling me and for them to ask everyone who got my number from Leadpoint to also stop calling me.

1 I did not sue the Defendants to harass them. While I believe the Defendants were wrong
2 to text me, and should certainly have stopped calling me after I sent them an email asking them
3 to stop calling me, I was open to the possibility that I had an incorrect interpretation of the facts.

4 The Court points out that I have other matters in this Court. This is my second Federal
5 lawsuit. I have no legal training and I have never worked in the legal field.

6 The TCPA imagines that the primary enforcement tool will be ordinary people filing suit
7 in their local court. That is exactly how this matter got to this Court – I did not file in Federal
8 Court, I filed in a local State Court and it was removed to Federal Court.

9 When the Congress passed the TCPA and set in motion that ordinary people would
10 enforce the law in Court, they would have had to envision that these ordinary people would end
11 up in Federal court.

12 This lawsuit is the first time a defendant challenged my understanding of the TCPA.

13 I listened to Defense counsel, and for example withdrew Dkt. 15 and withdrew claims
14 based on our discussions.

15 I did what I could to minimize the burden and expense on the Defendants. I and the
16 Defendants agreed to hold all discovery in the case until these motions were ruled on because if I
17 was wrong, it would save them time and expense (entered onto the Docket 10/13/2021).

18 I do not believe the record in this case supports the claim that I “manufactured” this
19 lawsuit. I may be wrong in this case. I certainly did not have the knowledge then that I have
20 now, and I still have no legal education and I still have never worked in the legal field.

21 Instead, I am the father of three teen/pre-teen children with cell phones. I have spent
22 most of my adult life with my phone on silent and turned upside down to avoid constant
23 disruption from unwanted telemarketing calls.

1 My children all have phones now, and their phones immediately picked up with
2 unwanted telemarketing calls.

3 I do wish for it to stop. I do not wish for my children to have to have their phones on
4 silent and turned upside down because I want to be able to call them when I need to reach them.

5 I am writing you this because I wanted to point out that while I am not particularly
6 knowledgeable about “manufactured lawsuits”, they do not sound like a situation where the
7 Plaintiff comes to court and tells the truth, the whole truth, and nothing but the truth, even to his
8 own demise.

9 This is what I have done in this case, and I ask the court to remove the “manufactured”
10 lawsuit language from Dkt 52, or in the alternative, I believe the Court should hold an
11 evidentiary hearing where I may testify to the court before the Court should draw these
12 conclusions.

13 DATED: January 17, 2022

/s/ Nathen Barton

Nathen Barton

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20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on January 17, 2022, I electronically filed the foregoing with the
22 Clerk of the Court using the Court’s CM/ECF System, which will automatically generate a
23 Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF
24

1 System, which includes the Defendant. The said Notice of Electronic Filing specifically
2 identifies recipients of electronic notice.

3 Executed on January 17, 2022.

4 /s/ Nathen Barton

5 Nathen Barton
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